

Appl. No. : 10/016,705
Filed : December 10, 2001

REMARKS

The foregoing amendments and the following remarks are responsive to the April 13, 2005 Final Office Action. Claims 1, 10, 28, 29, 31, and 32 are amended, Claims 2, 11, 12, 16-18, 30, and 33-35 remain as previously presented, Claims 3-5 and 19 remain as originally filed, Claims 6-9 and 13-15 are cancelled without prejudice, Claims 20-27 were previously cancelled without prejudice, and new Claims 36-41 are added. Thus, Claims 1-5, 10-12, 16-19, and 28-41 are presented for further consideration.

Response to Objection to Claims 6 and 10-12

In the April 13, 2005 Final Office Action, the Examiner objects to Claims 6 and 10-12 as being dependent upon a rejected base claim, but stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As described herein, Applicant has cancelled Claim 6 without prejudice and has amended Claim 1 to include all the limitations of Claim 6. Therefore, amended Claim 1 corresponds to Claim 6 prior to the amendment rewritten in independent form including all of the limitations of Claim 1. Applicant has also amended Claim 10 to depend from amended Claim 1 rather than Claim 6. Each of Claims 11 and 12 depends from Claim 10.

Applicant submits that Claims 1 and 10-12 are in condition for allowance. Applicant respectfully requests that the Examiner withdraw the objection and pass these claims to allowance.

Response to Rejection of Claim 29 Under 35 U.S.C. § 102(b)

In the April 13, 2005 Final Office Action, the Examiner rejects Claim 29 as being anticipated by U.S. Patent No. 5,607,472 issued to Thompson ("Thompson"). As described herein, Applicant has amended Claim 29. Applicant submits that amended Claim 29 includes limitations which are not disclosed by Thompson. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 29 and pass Claim 29 to allowance.

Response to Rejection of Claims 1-5, 17-19, and 28 Under 35 U.S.C. § 102(b)

In the April 13, 2005 Final Office Action, the Examiner rejects Claims 1-5, 17-19, and 28 as being anticipated by U.S. Patent No. 4,892,543 issued to Turley ("Turley"). As described herein, Applicant has amended Claim 1 to correspond to Claim 6 prior to the amendment rewritten in independent form, so that amended Claim 1 is in condition for allowance. Applicant

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respectfully requests that the Examiner withdraw the rejection of Claim 1 and pass Claim 1 to allowance.

Each of Claims 2-5 and 17-19 depends from amended Claim 1, so each of Claims 2-5 and 17-19 includes all the limitations of amended Claim 1 as well as other limitations of particular utility. Applicant submits that each of Claims 2-5 and 17-19 includes limitations which are not disclosed by Turley. Applicant respectfully request that the Examiner withdraw the rejection of Claims 2-5 and 17-19 and pass these claims to allowance.

As described herein, Applicant has amended Claim 28. Applicant submits that amended Claim 28 includes limitations which are not disclosed by Turley. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 28 and pass Claim 28 to allowance.

Response to Rejection of Claims 28, 29, 31, 32, and 35 Under 35 U.S.C. § 102(b)

In the April 13, 2005 Final Office Action, the Examiner rejects Claims 28, 29, 31, 32, and 35 as being anticipated by U.S. Patent No. 6,120,538 issued to Rizzo, III et al. ("Rizzo"). As described herein, Applicant has amended Claims 28, 29, 31, and 32.

Applicant submits that each of amended Claims 28, 29, and 31 includes limitations which are not disclosed by Rizzo. For example, Applicant submits that Rizzo does not disclose a dynamic haptic which "is configured, upon implantation, to deform in response to contraction and relaxation of the ciliary muscle, thereby deforming the elastic member and the flexible portion of the static haptic" as recited by Claim 28, an elongate elastic member which is "configured, upon implantation, to respond to action of a ciliary muscle of the eye" as recited by Claim 29, or a first member which is "responsive to action of the ciliary muscle" as recited by Claim 31. If the Examiner disagrees, Applicant respectfully requests that the Examiner cite with particularity which portion or portions of Rizzo disclose these limitations of the pending claims of the present application. Applicant respectfully requests that the Examiner withdraw the rejection of Claims 28, 29, and 31 and pass these claims to allowance.

Each of Claims 32 and 35 depends from amended Claim 31, so each of Claims 32 and 35 includes all the limitations of amended Claim 31 as well as other limitations of particular utility. Applicant submits that each of Claims 32 and 35 includes limitations which are not disclosed by Rizzo. Applicant respectfully requests that the Examiner withdraw the rejection of Claims 32 and 35 and pass these claims to allowance.

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Response to Rejection of Claims 29-35 Under 35 U.S.C. § 102(b)

In the April 13, 2005 Final Office Action, the Examiner rejects Claims 29-35 as being anticipated by U.S. Patent No. 4,932,966 issued to Christie et al. ("Christie"). As described herein, Applicant has amended Claims 29, 31, and 32. Applicant submits that amended Claim 29 and amended Claim 31 include limitations not disclosed by Christie. Applicant respectfully requests that the Examiner withdraw the rejection of Claims 29 and 31 and pass these claims to allowance.

Claim 30 depends from amended Claim 29, so Claim 30 includes all the limitations of amended Claim 29 as well as other limitations of particular utility. Each of Claims 32-35 depends from amended Claim 31, so each of Claims 32-35 includes all the limitations of amended Claim 31 as well as other limitations of particular utility. Applicant submits that each of Claims 30 and 32-35 includes limitations which are not disclosed by Christie. Applicant respectfully requests that the Examiner withdraw the rejection of Claims 30 and 32-35 and pass these claims to allowance.

Comments on New Claims 36-41

Applicant has added new Claims 36-41 which correspond to Claims 7-9 and 13-15, respectively, which were previously withdrawn prior to amendment. Applicant has cancelled Claims 7-9 and 13-15 without prejudice, reserving the right to pursue allowance of these claims in a continuation application.

Each of Claims 36 and 39 depends from amended Claim 1, each of Claims 37 and 38 depends from Claim 36, Claim 40 depends from Claim 39, and Claim 41 depends from Claim 40. Therefore, each of Claims 36-41 includes all the limitations of amended Claim 1 as well as other limitations of particular utility. Applicant submits that amended Claim 1 is a generic claim to Claims 36-41 and is in condition for allowance. Applicant respectfully requests that the Examiner pass Claims 36-41 to allowance.

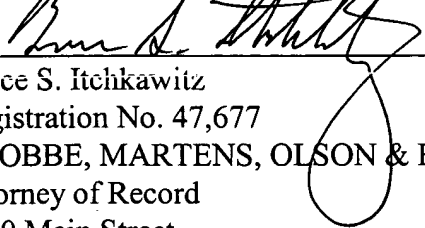
Summary

For the foregoing reasons, Applicant submits that Claims 1-5, 10-12, 16-19, and 28-41 are in condition for allowance, and Applicant respectfully requests such action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

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